

Troutman Pepper Hamilton Sanders LLP  
Hercules Plaza, 1313 N. Market St., Suite 5100, P.O. Box 1709  
Wilmington, DE 19899-1709



troutman.com

**Joanna J. Cline**  
302.777.6542  
joanna.cline@troutman.com

April 23, 2021

**VIA CM/ECF**

The Honorable Lewis J. Liman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: *Eastern Profit Corp. Ltd. v. Strategic Vision US LLC*, C.A. No. 18-cv-2185 (LJL)**

Dear Judge Liman:

We write in response to Strategic's motion to strike PX59, PX44, PX47, and PX50. Strategic's motion should be denied in full.

**PX59**

PX59 is authentic, relevant, based upon personal knowledge, and is not hearsay. See F.R.E. 401, 601, 801, 901-902. Moreover, it was used to impeach Ms. Gong's lay opinion that Mr. Guo is a phony dissident.

PX59 is self-authenticating because it is "a document accompanied by a certificate of acknowledgment that is lawfully executed by a notary." F.R.E. 902(8). It is also self-authenticating under F.R.E. 902(13).

It is not hearsay because it is a business record. F.R.E. 803(6); see *also* PX59 at 2 ¶ 10 (affirming that the report "was created and maintained on a regular basis in the course of the Stanford Internet Observatory's regularly conducted business activities. The Record was made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters. The Record was made by Stanford University as a regular practice."). Even if it were not a business record, it would still be admissible because it is not being offered for its truth. It is being offered to impeach Ms. Gong's testimony and to show that Twitter believed that Chinese Communist Party was attacking Mr. Guo. See PX59 at 7, 20 (noting that Twitter announced the takedown of a collection of 23,750 accounts attributed to the People's Republic of China (PRC)" and that the "PRC-attributed operation" focused their efforts on attacking the "pro-democracy movement in Hong Kong and . . . Guo Wengui").

Finally, PX59 is based upon the personal knowledge of the authors, including the signatory to the affidavit, because the authors' conclusions are based upon personal review of taken down tweets—a summary of voluminous evidence. F.R.E. 601; 1006 see *also* PX59 at 9 (describing 23,750 suspended accounts and 348,608 tweets). Strategic's motion to strike PX59 should be denied.

The Honorable Lewis J. Liman  
April 23, 2021  
Page 2



---

**PX44, PX47, PX50**

PX44, PX47, and PX50 are not hearsay. First, these articles are not hearsay because they describe Ms. Gong's then-present impressions of Mr. Guo based upon events that she directly perceived, including the interruption of the VOA interview. See F.R.E. 801(1). Second, the articles are not hearsay because they concern the reputation of Mr. Guo in the dissident community of which Ms. Gong claims to be a part. F.R.E. 801(21). Third, given that Ms. Gong confirmed at trial that she in fact wrote these articles, confirmed the accuracy of these articles, and directly perceived many of the events described within these articles, they are also non-hearsay under the residual exception. F.R.E. 807. Finally, these articles were used to impeach Sasha Gong's testimony at trial and should be admitted at the very least for that purpose.

Respectfully,

*/s/ Joanna J. Cline*

Joanna J. Cline

cc: All Counsel of Record (By CM/ECF)